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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,303	03/14/2001	Yoshihito Ishibashi	09792909-4859	3750

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SONNENSCHN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

EXAMINER

THEIN, MARIA TERESA T

ART UNIT PAPER NUMBER

3627

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/808,303	Applicant(s) ISHIBASHI, YOSHIHITO	
	Examiner Marissa Thein	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's "Response to April 6, 2000 Office Action" filed on July 5, 2006 has been considered.

Applicant's response by pointing out in the specification each of the elements of the claims that was rejected under 35 U.S.C. 112, second paragraph has overcome the Examiner's rejection.

Claim 17 is amended. Claims 1-18 remain pending in this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,892,900 to Ginter.

Regarding claims 1, Ginter discloses a content secondary distribution management system comprising: a plurality of user devices for managing secondary distribution in which a transaction of content usable by a user device is performed between the plurality of user devices (see at least Figure 77; col. 280, lines 59-65; col. 261, lines 10-48), wherein a first settlement log is issued from a first of the plurality of

user devices to one of a service provider and a clearing center every time the content is distributed by the first user device (see at least col. 261, lines 10-34; col. 263, lines 5-10; col. 168, lines 26-27; col. 281, line 10- col. 282, line 5) and a second settlement log is issued from a second of the plurality of user devices to said one of a service provider and a clearing center every time the content is distributed by the second user device (see at least col. 261, lines 10-34; col. 263, lines 5-10; col. 168, lines 26-27; col. 327, lines 30-39; col. 281, line 10- col. 282, line 5), and a settlement processing for the content is performed based on the first settlement log and the second settlement log under the management of said one of a service provider and a clearing center (see at least Figure 77; col. 281, line 10- col. 282, line 5).

Regarding claim 2, Gruse discloses a content receiving user (end user) device for receiving the content deducts a content usage fee from an electronic money balance up to an allowable amount of money set in an issue log based on information of usage control policy of the content, the content receiving user device creates a usage log; the content providing user device creates a receive log and sends the receive log to the service provider and a clearing center; and the service provider and the clearing center performs the settlement processing for the electronic money for the use of the content based on the receive log, and requests and account management institution to perform transfer processing for the content usage fee; and the account management institution performs the transfer processing (see at least Figure 25A; col. 42, line 59 – col. 43, line 20; col. 281, lines 33-44).

Regarding claims 3-8 and 10-16, Gruse discloses:

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- the content to be distributed between the user devices is contained in a secure container which stores a content price and information of a usage control policy including profit distribution information (see at least col. 59, lines 36-61; col. 279, lines 13-20; col. 279, lines 42-49; col. 292, lines 15-27), and wherein the service provider and a clearing center constructs a form of the transfer processing according to a log containing a content fee payer and a content fee receiver based on the profit distribution information (see at least col. 59, lines 36-61; col. 279, lines 21-31; col. 279, lines 42-49; col. 292, lines 15-27);
- the usage control policy information includes indicating whether the secondary distribution of the content between the user devices is allowed, and wherein upon receiving the receive log created for a content in which the secondary distribution is not allowed, the service provider and the clearing center nullifies settlement processing to be performed for the receive log (see at least col. 279, lines 21-31; col. 281, lines 23-41);
- each user devices for performing the transaction of the content comprises an encryption processing unit, mutual authentication processing, and the user devices attach a digital signature and verify the digital signature (see at least col. 21, line 60 – col. 22, line 25; col. 257, lines 33-36);
- the user devices, service provider, and clearing center comprises an encryption processing unit, mutual authentication processing, attach a digital signature and verify the digital signature (see at least col. 21, line 60 – col. 22, line 25; col. 257, lines 33-36);

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- the clearing center comprises a user balance database for managing an electronic money balance of the content and creates an issue log in which an allowable amount of money is set up to electronic money balance (see at least col. 36, lines 10-43; col. 40, lines 3-61; col. 280, lines 22-26); and
- usage control policy information includes profit distribution information of the content usage fee, and where usage log and receive log include the profit distribution information, the service provider and clearing center performs the settlement processing for the content usage fee based on profit distribution information also sends the transfer request to the account management institution (see at least col. 36, lines 10-43; col. 40, lines 3-61).

Regarding claims 9 and 17, Gruse discloses a method and a computer-readable medium having stored therein computer-executable instructions for managing secondary distribution in which a transaction of content usable a user device is performed between a plurality for user devices (see at least Figure 77; col. 280, lines 59-65; col. 261, lines 10-48), comprising: issuing a settlement log for the use of the content from a content providing user device to a service provider and a clearing center every time an identical content is distributed (see at least col. 261, lines 10-34; col. 263, lines 5-10; col. 168, lines 26-27; col. 281, line 10- col. 282, line 5); and performing settlement processing for the identical content based on the settlement log under the management of the service provider and a clearing center (see at least Figure 77; col. 281, line 10- col. 282, line 5).

Regarding claim 18, Ginter discloses a computer-readable medium having stored therein computer-executable instructions which allows content secondary distribution management processing for managing secondary distribution in which a transaction to content usable by a user device is performed between a plurality of user devices to run on a computer (see at least Figure 77; col. 280, lines 59-65; col. 261, lines 10-48): issuing a settlement log (see at least col. 261, lines 10-34; col. 263, lines 5-10; col. 168, lines 26-27; col. 281, line 10- col. 282, line 5); and performing settlement processing for the identical content based on the settlement log (see at least Figure 77; col. 281, line 10- col. 282, line 5).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 571-272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mtot
September 17, 2006

 9/18/06
F. RYAN ZEENDER
PRIMARY EXAMINER